IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1815 (S/S) of 2005

Vijay Kumar,
Son of Sri Wikram Singh,
Purva Madhyamik Vidyalaya,
Rajpur, Block- Jaspur,
District-Udham Singh Nagar. ……Petitioner.

Versus

1. State of Uttaranchal through Education Secretary, Dehradun.
2. District Education Officer, Rudrapur, District-Udham Singh Nagar.
3. Uppar Zila Shiksha Adhikari, Rudrapur, District-Udham Singh Nagar.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Khalil Ahmad, learned counsel for the petitioner and learned standing counsel for respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage.

By means of this writ petition the petitioner has challenged the transfer order dated 21.07.2004 by which the transfer of one Sri Mehndi Hasan was cancelled and in place of Sri Mehndi Hasan the petitioner has been transferred from Purva Madhyamik Vidyalaya, Rajpur, Block – Jaspur to Purva Madhyamik Vidhyalaya, Chandanpura, Block – Bazpur, District – Udham Singh Nagar. The transfer order of Sri Mehndi Hasan has been cancelled on the ground that he has attained the age of 55 years. In pursuance to the order dated 21.07.2005, Sri Mehndi Hasan is continuing on the post.

I do not find any illegality in the order dated 21.07.2005 passed by District Education Officer, Udham Singh Nagar.

However, during the course of the argument learned counsel for the petitioner has confined his prayer to dispose of the writ petition with a direction to respondent nos. 2 and 3 to take decision of the petitioner's representation dated 05.12.2005 within a particular period.

The prayer is innocuous. Accordingly, I direct the respondents no. 2 and 3 to take decision on the petitioner's representation dated 05.12.2005 within a period of six weeks from the dated of production of citified copy of this order.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 8, 2005
SKSharma